

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

FOR COORDINATION WITH DoJ/OSI

Office of General Counsel

OKC 81-11021

28 December 1981

Richard D. Sullivan, Esq.  
Office of Special Investigations  
Department of Justice  
Washington, D.C. 20530

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCES METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2004 2005

Dear Mr. Sullivan:

Re: Edgars Laipenieks

With reference to the Laipenieks case and the requests for documents received from your Office and Mr. Laipenieks' attorney, a search of Directorate of Operations and Office of Security records was undertaken for information which:

- a. indicates this Agency was aware of Laipenieks' alleged background as described in the allegations of the Order to Show Cause prior to or at the time of Laipenieks' Application for Immigrant Visa in March 1960;
- b. disproves those allegations; or
- c. otherwise concerns Laipenieks' entry in the United States or war crimes activities.

Paragraphs a and b refer primarily to Mr. Berzins' discovery requests for "exculpatory" information; paragraph c refers to your Office's broader request.

The following documents in sanitized, unclassified form are enclosed for use, in coordination with this Office, at trial:

- a. Laipenieks' Autobiographical Statement -- only filing information has been removed;
- b. 14 September 1962 Memorandum -- This memorandum memorializes in final form a 4 September 1962 rough draft also located in Agency files. Since the differences between the two documents are changes in punctuation, phrasing and spelling, only the final, 14 September 1962, memorandum has been processed. The deleted

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information consists of operational information; the names of individuals not relevant to this case; the names of Agency employees, organizational data and file numbers; all information concerning Laipenieks' past life has been released;

c. 22 March 1962 Memorandum -- The deleted information consists of information which would reveal sources and methods; operational information; third-agency information; the names of individuals not relevant to this case; the names of Agency employees, organizational data and file numbers. All CIA information responsive to discovery requests has been left in the document;

d. 4 December 1962 Memorandum -- The responsive information contained in this brief memorandum is released to you herein.

e. 5 May 1975 Letter from CIA to Laipenieks released without deletion;

f. 9 March 1976 Memorandum CIR-316/00985-76 -- Deletions consist of operational information, names of employees, organizational data and filing instructions;

g. 28 June 1976 Memorandum for the Record -- Deletions consist of names of Agency and INS employees, organizational data and filing instructions; and

h. 20 July 1976 Letter from CIA to Laipenieks -- Only internal distribution, routing and filing information has been deleted.

The following documents, requested by your Office (but not responsive to Berzins' request), are denied as further stated below:

a. 5 September 1962 Report on Laipenieks (believed to be the 9 September Report requested by your office) -- This report contains information the release to Laipenieks of which would be potentially harmful as determined by the CIA Office of Medical Services. Further, release of this report would reveal sensitive information concerning CIA employment criteria and the methodology employed by CIA in determining whether applicants meet those criteria;

b. 10 September 1962 Report on Laipenieks -- Contrary to assumptions made by members of your staff, this report is not a psychological evaluation but rather is an evaluation of Laipenieks by an Agency officer untrained in psychiatric assessment. The

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report, aside from operational information, contains only the officer's impressions of Laipenieks on the occasion of their first meeting. Because of the inherent difficulties with impeachment and other attack on the validity of the statements contained in this report, it is unavailable for use by OSI at Laipenieks' trial;

c. 12 September 1962 Report -- This report contains details of a sensitive intelligence method. No portion of this document can be released for use at trial;

d. 11 September 1962 Polygraph Report -- As you are well aware, release of the polygraph report itself would reveal sensitive, current Agency methodology. Accordingly, the report itself is not available for use at trial. However, during discussions with members of your staff, the issue of a CIA affidavit was discussed. This Agency is prepared to provide an unclassified affidavit from the appropriate records custodian attesting to the existence of this report, quoting the report's results as they pertain to your case and detailing verbatim the admissions against interest, found on page 2 of the report, ¶¶ 1-4. This alternative is proposed to protect polygraph methodology and to avoid the necessity of testimony by the examiner, who, during meetings with your staff, exhibited total lack of recall concerning subject. Please contact me with respect to these concerns should you anticipate any problems with our proposal.

Additionally, this Agency can provide, if necessary, an affidavit from the appropriate Directorate of Operations records custodian stating, in essence, that a search of DO records reveals that this Agency did not assist or encourage Laipenieks' immigration to the United States and further that DO files contain no record that DO files on Laipenieks were ever made available to any Executive Branch agency other than DOJ/OSI.

I want to emphasize the importance of third-agency material. Your staff has been provided with citation to all relevant third-agency material in our files. As I know you are aware, your staff should contact appropriate agencies to obtain this material. In this respect, a number of documents have been identified including but not limited to the following:

a. third-agency name check response deleted from 22 March 1962 memorandum provided to you herewith;

b. Department of State visa file summary dated 2 December 1962; and

c. Army CIC file summary dated 21 September 1957. (C)

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If you have any questions regarding the above, please do not hesitate to contact me.

Sincerely

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Office of General Counsel

Enclosures

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